

Appl. No. 10/806,720
Amdt. dated September 15, 2005
Reply to Office action of June 15, 2005

AMENDMENTS TO THE DRAWINGS

New Figures 4-7 have been added.

Attachment: New Sheets (2)

REMARKS/ARGUMENTS

Objection to the Drawings

The feature pertaining to the plate comprising a button was thought to be evident from the drawings and specification. See Application, page 4, line 5 of first paragraph for support. However, Figures 4 and 5 have been added to remove any ambiguity.

The substantially hollow area of the top post portion should be evident from the use of the phantom lines for the elements within the top of the post, as illustrated in Figure 1, as well as the side view of the top post portion illustrated in Figure 2. No amendments to the drawings have therefore been made for this feature.

The features noted in the method claims 20-22 should not be necessary as none of the items listed, specifically "a piece of apparel," "a pre-existing opening," and plurality of fibers," are positively recited in the claims. However, amendments have been included (Figures 6 and 7) to remove any ambiguity. These amendments should not be considered new matter because none of the details are positively claimed, and they find support in various portions of the written description.

Objection to Claim 18

Claim 18 has been amended in accordance with the examiner's suggestions.

Objection to the Specification and Claims under 35 U.S.C. § 112, first paragraph

The examiner has objected to the specification and rejected claims 1-22 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement.

Because both the objection and rejection relate to the same underlying problem, the two will be discussed simultaneously.

It goes without question that § 112 requires that the written description of the invention enable any person skilled in the art to make and use the invention. However, as the CCPA has stated, "[n]ot every last detail is to be described, else patent specifications would turn into production specifications, which there were never intended to be." In *re Gay*, 309 F. 2d 769 (CCPA 1962). Specifications "need only be reasonable with respect to the art involved; they need not inform the layman nor disclose what the skilled already possess. They need not describe the conventional. . . . The intricacies need not be detailed ad absurdum." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick, Co.*, 730 F.2d 1452 (Fed. Cir. 1984). An even more illuminating statement of the law may be found in the U.S. Supreme Court Case, Webster Loom Co. v. Higgins:

If a mechanical engineer invents an improvement on any of the appendages of a steam-engine, such as the valve-gear, the condenser, the steam-chest, the walking-beam, the parallel motion, or what not, he is not obliged, in order to make himself understood, to describe the engine, nor the particular appendage to which the improvement refers, nor its mode of connection with the principal machine. These are already familiar to others skilled in that kind of machinery. He may begin at the point where his invention begins, and describe what he has made that is new, and what it replaces of the old. That which is common and well known is as if it were written out in the patent and delineated in the drawings.

105 U.S. 580, 585-586 (1881).

Applicant's invention, as expounded in the specification and accompanying claims, points out where the invention begins, and describes what is new. Simple release mechanisms and clasps, as described in applicant's specification and drawings, are well

known in the art. Therefore, as noted by the courts cited above, there is no need to go into excruciating detail with respect to a simple release or clasp that is commonplace in the arts concerned with jewelry, bracelets and wristwatches.

The details of how the post release means 7 and post release buttons 8 interact, and how the plate release 3 interacts with prong members 2 is well known within the art, and is well within the knowledge of a person of ordinary skill in the art. Many watch bands, jewelry and the like include very similar fastening members. To further illustrate the point, a paragraph similar to the following can be viewed as explaining with more detail how the post is secured within base 6:

The post 4 is secured within base 6 through the post release means 7. The opening defined by the edges of post release means 7 is slightly smaller than the diameter of post 4, and corresponds to the diameter of the portion of the post 4 comprising grooves 5. Post 4 slides between post release means 7 and frictionally pushes the post release means 7 outwardly enough to allow passage of the post 4 into the base 6. When groove 5 becomes axially aligned with post release means 7, the post release means 7 will release inwardly, effectively snapping into place on either side of groove 5, thereby securing the post within base 6.

As should now be obvious, this detail is redundant with respect to what is already known in the art. There is no need to include it within the specification, because a person of ordinary skill already knows how such fasteners would be constructed and used.

Claim Rejections under 35 U.S.C. § 102

The examiner has rejected claims 107 under 35 U.S.C. § 102. Applicant contends that there are little to no similarities between the separable button disclosed by U.S. Patent No. 227,730 ("Carter") and applicant's invention. Shoe "f" of Carter in no way

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resembles plate 3 of applicant's invention. Also post 4 of applicant's invention can not rightly be said to be anticipated by a combination of elements "(combination of structure haing cap E and spring-latch B)" as noted by the examiner. The base of Carter as cited by the Examiner is disk A. However, disk A is actually the bottom front. Carter, col. 2, lines 50-51. As such, disk A cannot anticipate the base 6 of applicant's invention. The attachment means and plate release means and prong members, as disclosed by applicant, are structurally and functionally distinct from any of the elements taught by Carter. As a result, Carter can not anticipate any of Applicant's claims.

The examiner has also rejected claims 20 and 21. These claims have been cancelled.

Claim Rejections under 35 U.S.C. § 103

Contrary to the examiner's assertions, (bottom of page 6) the application does not name joint inventors. Therefore, applicant should not be required to comply with the obligations under 37 CFR 1.56.

The examiner has also rejected claim 22 under either 35 USC § 102 or § 103 as being obvious over Libby, (U.S. Patent No. 2,713,707). The examiner mischaracterizes the term "plurality of fibers." This term does not apply to a pre-existing whole that is sewed open, such as a button hole. The term actually refers to fibers, that are woven in such a manner, i.e. loosely, as to allow for openings through which applicant's device may pass through. A button hole is not "inherently made up of fibers," rather, it is merely a sewed opening. Therefore, Libby does not teach inserting a device through fibers,

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rather it inserts the device through a fabricated hole. As such, Libby can not render applicant's claim obvious under the standard definitions of a "hole," and "fibers" as is known in the art.

Reconsideration and further examination is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 12-0115.

In the event that an extension of time is required to file this response, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 12-0115.

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Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Patrick D. Archibald, Applicant's Attorney at (617) 720-0091 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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